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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,235	03/27/2001	Masao Yoshida	Q63468	8081

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EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/817,235

Applicant(s)

YOSHIDA, MASAO

Examiner

Sharon E. Payne

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2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 17-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 14 May 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The indicated allowability of claims 1-6 is withdrawn in view of the newly discovered reference(s) to a keyboard. Rejections based on the newly cited reference(s) follow.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informality: the phrase "said a plurality of patterns" in lines 5-6 should be "said plurality of patterns."

3. Claim 7 is objected to because of the following informality: the phrase "that second pattern" in line 5 should be "the second pattern."

4. Claim 18 is objected to because of the following informality: the word "aid" in line 3 should probably be "the." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 5, 7-11 and 13-15 rejected under 35 U.S.C. 102(b) as being anticipated by JP 58086626 A (hereinafter "Hashizume").

Regarding claim 1, Hashizume discloses a button where a plurality of patterns are displayed on one key top (abstract), a unit for light the button (abstract), wherein the plurality of patterns are colored with a plurality of different colors (abstract), and the unit includes a plurality

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of different lighting colors including the same colors as those of said plurality of patterns (abstract).

Concerning claim 2 Hashizume discloses a color switch for switching a lighting color of the plurality of different lighting colors of the unit (shift key, reference number 1).

Regarding claim 4, Hashizume discloses the steps of providing a button in which a plurality of patterns colored with a plurality of different colors are displayed on one key top (abstract), and lighting said button with a plurality of different lighting colors including the same colors as those of the plurality of patterns so that the lighting color is different from the color of the pattern utilized (abstract).

Concerning claim 5, Hashizume discloses switching the lighting color of the plurality of different lighting colors of the unit (abstract).

Regarding claim 7, Hashizume discloses a button having at least a first pattern and a second pattern (abstract), a lighting device that emits at least a first lighting color and a second lighting color to illuminate the button (abstract) wherein the first pattern has a first pattern color and the second pattern has a second pattern color (abstract).

Concerning claim 8, Hashizume discloses the first pattern being more easily seen than the second pattern when the lighting device emits the second lighting color and does not emit the first lighting color (abstract), and the second pattern is more easily seen than the first pattern when the lighting device emits the first lighting color and does not emit the second lighting color (abstract).

Regarding claim 9, Hashizume discloses a color switch that instructs the lighting device to switch between emitting at least the first lighting color and the second lighting color (shift key, reference number 1).

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Concerning claim 10, Hashizume discloses the first lighting color being substantially the same as the first pattern color (abstract) and the first pattern being difficult for a user to see when the lighting device emits the first lighting color (abstract).

Regarding claim 11, Hashizume discloses the first lighting color being substantially different than the second pattern color (abstract) and the second pattern being easy for a user to see when the lighting device emits the first lighting color (abstract).

Concerning claim 13, Hashizume discloses the first lighting color being substantially different than the second pattern color (abstract) and the second pattern being easy for the user to see when the lighting device emits the first lighting color (abstract).

Regarding claim 14, Hashizume discloses the second lighting color being substantially the same as the second pattern color (abstract) and the second pattern being difficult for the user to see when the lighting device emits the second lighting color (abstract).

Concerning claim 15, Hashizume discloses the second lighting color being substantially different than the first pattern color (abstract) and the first pattern being easy for a user to see when the lighting device emits the second lighting color (abstract).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashizume.

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Regarding claims 3 and 6, Hashizume does not disclose a lighting color that is complementary to a particular color of the plurality of different colors of a particular pattern.

Since complementary lighting colors are well known in the art, it would have been obvious to one skilled in the art at the time the invention was made to use a complementary lighting color to a pattern color when the particular pattern is a pattern to be illuminated by a user in the Hashizume reference. (Hashizume discloses the use of different colors, which would suggest the use of complementary colors if desired.)

Concerning claim 12, Hashizume does not disclose the second pattern color being a complement of the first lighting color.

Since complementary lighting colors are well known in the art, it would have been obvious to one skilled in the art at the time the invention was made to use a complementary lighting color to a pattern color in the Hashizume reference. (Hashizume discloses the use of different colors, which would suggest the use of complementary colors if desired.)

Regarding claim 16, Hashizume does not disclose the second lighting color being a complement of the first pattern color and the first lighting color being a complement of the second pattern color.

Since complementary lighting colors are well known in the art, it would have been obvious to one skilled in the art at the time the invention was made to use a complementary lighting color to a pattern color in the Hashizume reference. (Hashizume discloses the use of different colors, which would suggest the use of complementary colors if desired.)

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***Allowable Subject Matter***

9. Claims 17-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a button having a third pattern having a third pattern color with a lighting device that emits a first lighting color and a second lighting color.

***Response to Arguments***


10. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (703) 308-2125. The examiner can normally be reached during regular business hours.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

sep  
May 29, 2002

  
ALAN CARIASO  
PRIMARY EXAMINER